IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8395 of 2005

Between:

R. Ramana Reddy, S/o. Pitchi Reddy.
Revuru, Nellore District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C., Atmakur (N), Depot,
Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions more in the nature of Writ of Mandamus, declaring the final Order dated 16-12-1999 passed by the respondent herein is imposing major punishment of deferment of petitioners two annual increments with have effect on future increments as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU, Advocate

Counsel for the Respondent: MR.R.MANMADHA REDDY (S.C. for APSRTC)

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the Office Order No.01/2(14)/99-ATKR(N), dated 16.12.1999 passed by the respondent imposing punishment of withholding of annual increments for a period of two years which shall have effect on petitioner's future increments as illegal and arbitrary.

The petitioner is working as a Driver in the respondent-corporation. He was issued charge sheet dated 28.9.1999 on the allegation that he drove the bus in a negligent manner on 9.9.1999. He submitted his explanation dated 6.10.1999 denying the allegations made against him. Without conducting any enquiry, the respondent passed on order, dated 16.12.1999 by imposing a penalty of deferment of annual increments for a period of two years, which shall have effect on future increments of the petitioner.

The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached

this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increments.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of the relevant service regulations.

Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increments for a period of two years with cumulative effect, imposed by the respondent can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increments for a period of two years without cumulative effect. The petitioner is not entitled to the difference of the amount if any by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order to which he is entitled.

The writ petition is accordingly disposed of. No costs.

(K.C. BHANU, J.)

15th April, 2005

bcj

To

1 The Depot Manager, A.P.S.R.T.C., Atmakur (N), Depot,
Nellore District.

2 Two C.D. copies